

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

BRANDON WILSON AND §
ALICIA WILSON, §
§
Plaintiffs, §
§ CASE NO.
- VS - §
§
STATE FARM LLOYDS, §
§
Defendant. §

DEFENDANT STATE FARM LLOYDS' NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

STATE FARM LLOYDS (hereinafter "State Farm"), Defendant, files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 as follows:

I. PROCEDURAL BACKGROUND

1. On August 26, 2019 Brandon and Alicia Wilson ("Plaintiffs") filed their Original Petition ("the Petition") in Brandon Wilson and Alicia Wilson in the 36th District Court of Aransas County, Texas, ("the State Court Action") against Defendant State Farm Lloyds.

2. On August 28, 2019, State Farm was served with process. State Farm filed its Answer on September 23, 2019.

3. State Farm timely files this Notice of Removal pursuant to 28 U.S.C. § 1446 to remove the State Court Action from the 36th District Court of Aransas County, Texas, to the United States District Court for the Southern District of Texas, Corpus Christi Division.

II. NATURE OF THE SUIT

4. This lawsuit involves a dispute over the alleged non-payment or under payment of insurance benefits and the handling of Plaintiffs' insurance claims for damages allegedly caused by a storm.¹ Plaintiffs assert causes of action for breach of contract, violations of the Texas Insurance Code, and a breach of the common law duty of good faith and fair dealing.²

III. VENUE

5. Venue for removal is proper in this district and division under 28 U.S.C. § 1441(a) because this district and division encompass the place in which the removed action was pending, the State District Court of Aransas County, Texas, and a substantial part of the events giving rise to Plaintiffs' claims allegedly occurred in this district.

IV. BASIS FOR REMOVAL

6. There is complete diversity among the parties properly joined to this suit and, according to the Plaintiffs' allegations, the amount in controversy exceeds \$75,000.

7. Plaintiffs were, at the time this action commenced, and are still citizens of the State of Texas.³

8. At the time the civil action commenced, Defendant State Farm was not, and still is not, a citizen of the state of Texas. State Farm is a "Lloyds Plan" organized under Chapter 941 of the Texas Insurance Code. It consists of an association of underwriters, each of whom were, at the time this civil action was commenced and still are, citizens and residents of states other than Texas making State Farm a citizen and resident of states other than Texas for diversity purposes.⁴

¹ See Pl. Original Pet. Pgs. 2-3.

² See *id.* at ¶ 16, 24, 27-41.

³ See *id.* at ¶ 2.

⁴ See *Royal Ins. Co. of Am. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882 (5th Cir. 1993).

9. Plaintiffs seek relief over \$75,000 and specifically plead “Plaintiffs seek monetary relief over \$200,000” in their petition.⁵ Because the Plaintiffs allege that the amount in controversy exceeds \$75,000, this Court has subject matter jurisdiction under 28 U.S.C. § 1332(a).

V. PROCEDURAL REQUIREMENTS

10. Pursuant to 28 U.S.C. § 1446(a), the following exhibits are attached and indexed:

- Exhibit A Index of matters being filed;
- Exhibit B Idocket Listing Pleadings filed in the State Court Action;
- Exhibit C Plaintiffs’ Original Petition filed in the 36th Judicial District Court of Aransas County, Texas on August 26, 2019;
- Exhibit D Citation to State Farm Lloyds, Inc. issued by the District Clerk of Aransas County, Texas on August 26, 2019;
- Exhibit E Return of Service of Plaintiffs' Original Petition on State Farm Lloyds on August 28, 2019;
- Exhibit F Defendant State Farm Lloyds Original Answer filed in the 36th Judicial District Court of Aransas County, Texas on September 23, 2019; and
- Exhibit G List of All Counsel.

Pursuant to 28 U.S.C. § 1446(a), all pleadings, process, orders and all other filings in the state court action are attached to this Notice.

11. Pursuant to 28 U.S.C. § 1446(d), written notice of filing of this Notice of Removal will be given to all adverse parties promptly after filing the same.

12. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of the Notice of Removal will be filed with the District Clerk for the 36th District Court of Aransas County, Texas, promptly after filing of same.

⁵ See Pl. Original Pet. ¶ Prayer.

CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Defendant State Farm respectfully requests that the State Court Action be removed and placed on this Court's docket for further proceedings. State Farm also requests any additional requests any additional relief to which it may be justly entitled.

RESPECTFULLY SUBMITTED,

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***ATTORNEYS FOR DEFENDANT
STATE FARM LLOYDS***

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served in accordance with the Federal Rules of Civil Procedure on September 27, 2019, via first class mail and electronic service to the following parties:

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